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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re)	No.	01-30923 DM
PACIFIC GAS & ELECTRIC COMPANY,)	Chapter	11
Debtor.)	[Not set for hearing]	

UNITED STATES TRUSTEE'S
EX PARTE MOTION TO STRIKE THE JOINDER OF OFFICIAL COMMITTEE
OF UNSECURED CREDITORS IN DEBTOR'S MOTION FOR ORDER VACATING, ETC.

Linda Ekstrom Stanley hereby moves *ex parte* to strike the "joinder" (the "Joinder") just filed by the Official Committee of Unsecured Creditors in support of debtor's motion to vacate the United States Trustee's appointment of the Official Committee of Ratepayers, stating as follows:

1. The Joinder is not timely and should not be considered. Debtor and the United States Trustee stipulated to have *debtor's* motion to vacate the United States Trustee's appointment of the Official Ratepayers' Committee heard on shortened time and to a modified briefing schedule.

2. The modified briefing schedule permitted debtor to file a brief by last

1 Wednesday, May, 9, 2001. The United States Trustee's opposition was due *yesterday*,
2 May 15, 2001. The United States Trustee and debtor filed their briefs timely.

3 3. This afternoon at approximately 1:00 p.m., the United States Trustee received
4 the Joinder by fax. The Joinder is untimely and inappropriate and should not be
5 considered.

6 4. The Joinder is untimely if filed in support of debtor's motion. If the creditors'
7 committee intended to support debtor's motion, it ought to have filed the papers last week
8 with debtor's motion.

9 5. The brief is also untimely because the Office of the United States Trustee was
10 not permitted to review the Joinder when she responded to debtor's motion.

11 6. Leaving aside the timing issues, several aspects of the Joinder make it an
12 egregious abuse of proper practice. The brief is the legal equivalent of "dog piling." The
13 Joinder was filed after the United States Trustee had served her responsive brief yesterday
14 afternoon. Not surprisingly, the United States Trustee responded to the motion debtor filed.
15 She did not and cannot respond to motions that were not filed. The court should not
16 condone such practice.

17 7. The creditors' committee did not afford the United States Trustee the courtesy
18 of a telephone call or conference before filing the Joinder nor did it request an extension of
19 time.

20 For the foregoing reasons, the United States Trustee moves the court to strike the
21 Joinder and not consider it.

22 Date: May 16, 2001

Respectfully submitted,
Patricia A. Cutler
Assistant United States Trustee

24 By:

Stephen L. Johnson
Attorneys for United States Trustee